

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Rich Baranski

Serial No.: 10/055,757

Filed: January 22, 2002

Title: Adjustable Door Guide Latch Slot Assembly

Examiner: Lugo, Carlos

Group Art Unit: 3676

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Commissioner for Patents  
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**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Applicant hereby responds to the Notification of Non-Compliant Appeal Brief, dated December 5, 2007 (the "Notification"). By the Notification, the Examiner notified Applicant that the last paragraph of the Summary of the Claimed Subject Matter section of the Appeal Brief, which summarizes independent claim 22, fails to comply with 37 C.F.R. 41.37(c)(1)(v).

With this response and pursuant to MPEP § 1205.03, Applicant submits the attached corrected Summary of the Claimed Subject Matter section to replace the defective section. The attached corrected section includes in the last paragraph a concise explanation of claim 22 with reference characters used in the drawings as well as a reference to the specification by page and line number.

In addition, the Notification states that the Grouping of the Claims section, at page 4 of the Appeal Brief, is no longer required by 37 C.F.R. 41.37(c). Applicant respectfully notes that this heading was required by the applicable rules at the time the original Appeal Brief was filed. Applicant therefore requests that the Office ignore this section if it is no longer required by the rules. It is Applicant's understanding, from a telephone conversation today between Louis Lofredo of undersigned counsel's office and Timothy Cole, Patent Appeal Center Specialist, that Applicant therefore need not submit any further changes to this section of the Appeal Brief. If Applicant's understanding is in any way incorrect or if it is determined that there is any other

non-compliance in the Appeal Brief, Applicant respectfully requests that Patent Appeal Center Specialist Cole call the undersigned to expedite resolving the matter.

Applicant respectfully submits that all reasons for noncompliance set forth in the Notification have been overcome and that the Appeal Brief fully complies with 37 C.F.R. 41.37(c)(1)(v).

Dated: January 7, 2008

Respectfully submitted,

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## SUMMARY OF THE CLAIMED SUBJECT MATTER

A large number of commercial and residential buildings and facilities use vertically sliding overhead doors for a variety of applications such as garage doors, exterior doorways, and doorways into storage rooms. Typically, these overhead doors travel in door frames or door guides that are permanently affixed to the material of the walls that form the doorway or other opening covered by the overhead door when the overhead door is in a closed position. The overhead doors move vertically up and down between the door guides. Rollers are often placed on the outer edges of the overhead doors in contact with the inner surface of the door guides to facilitate the up and down movement of the overhead doors.

When in a closed position, such overhead doors are often latched shut by a slidable latch mechanism. The latch mechanism is permanently affixed to the vertical door and, when in a closed position, has a slidable latch tongue that passes through an opening in the door guide. The need for a secure fit between the latch tongue and the door guide opening through which the latch tongue passes when the latch is in a closed or locked position is frequently hindered by height variations between the installation of the door guide and the overhead door. Even very slight variations in the installation of this hardware can result in situations where the latch tongue will not line up with the door guide opening, thereby preventing the latch tongue from being moved into its closed position.

Accordingly, a need exists for an adjustable door guide latch mechanism to compensate for door hardware installation height variations that would otherwise prevent proper operation of a slidable door latch mechanism. Moreover, a need exists for an adjustable door guide latch slot assembly that will be easy to install and will not interrupt the smooth operation of the vertical door with which it is associated.

According to the present invention, an adjustable door guide latch slot assembly for aligning a slidable door latch with a fixed door guide includes a striker plate having a latch opening and a door guide having an inner surface with a recessed area on the inner surface. The recessed area is larger than the striker plate and has an opening therein. The striker plate can be placed flat against the door guide inner surface in the recessed area and adjustably affixed to the door guide inner surface so that the striker plate latch opening may be made to align properly with the slidable door latch.

Without limiting the scope of the claimed invention in any way, the independent claims on appeal are discussed as follows:

Claim 1 is directed to an adjustable door guide latch slot assembly **10** for aligning a slidable door latch **34** with a fixed door guide **20**. The assembly **10** includes a striker plate **12** that can be adjustably affixed directly to the door guide inner surface **22** so that the striker plate latch opening **14** aligns with the slidable door latch **34**. *See* specification at page 2, line 25 to page 3, line 14.

Independent claim 14 is directed to an adjustable door guide latch slot assembly **10** for aligning a slidable door latch **34** with a fixed door guide **20**. The assembly **10** includes a striker plate **12** having a latch opening **14** and a door guide **20** adapted to retain a door therein so that the door can move slidably along a length of the guide **20** when the door is retained in the guide **20**. The guide **20** includes an inner surface **22** with a recessed area **28**. The striker plate **12** can be placed flat against the door guide inner surface **22** in the recessed area **28** and adjustably affixed to the door guide inner surface **22** so that the striker plate latch opening **14** aligns with the slidable door latch **34**. *See* specification at page 2, line 25 to page 3, line 18.

Independent claim 19 is directed to an adjustable door guide latch slot assembly **10** for aligning a slidable door latch **34** with a fixed door guide **20**. The assembly **10** includes a striker plate **12** having a latch opening **14** and a door guide **20** adapted to retain a door **32** therein so that the door **32** can move slidably along a length of the guide **20** when the door is retained in the guide **20**. The guide **20** includes an outer surface **24** and an inner surface **22** with a recessed area **28**. The striker plate **12** may be placed flat against the door guide inner surface **22** within the recessed area **28** and may be adjustably affixed to the door guide inner surface **22** so that the striker plate latch opening **14** aligns with the slidable door latch **34**. The recessed area **28** has an opening **26** extending from the inner surface **22** to the outer surface **24**. *See* specification at page 2, line 25 to page 3, line 18. A security device **42** includes a latch receiving port **44** and is affixed to the adjustable striker plate **12** so that the latch receiving port **44** aligns with both the striker plate latch opening **14** and the slidable door latch **34**. *See* specification at page 3, lines 19-30.

Independent claim 22 is directed to a method of adjustably aligning a latch slot **10** in a fixed door guide **20** with a slidable door latch **34**. The method includes the steps of: providing a striker plate **12** having a latch opening **14**; and providing a door guide **20** having a channel sized to retain a door slidably therein. The striker plate **12** can be adjustably affixed to the door guide inner surface **22** so that the striker plate latch opening **14** aligns with the slidable door latch **34**. *See* specification at 5, line 4 to page 6, line 17.